

**THE CODE OF THE CITY OF AUSTIN, TEXAS
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TITLE 25. – LAND DEVELOPMENT
CHAPTER 25-4. – SUBDIVISION
ARTICLE 2. – SUBDIVISION PROCEDURE
Division 1. - Procedure Generally**

§ 25-4-37 - INFRASTRUCTURE CONSTRUCTION OR FISCAL SECURITY FOR PLAT APPROVAL.

- (A) Before the Land Use Commission or council may approve a plat, the subdivider shall:
- (1) construct the streets, sidewalks, urban trails, utilities, and drainage facilities in compliance with the requirements of this title; or
 - (2) provide fiscal security under Section 25-1-112 (Fiscal Security) for subdivision improvements that serve the public interest as determined under Subsection (B) or (C).
- (B) After receiving the recommendation of the director, the Land Use Commission shall determine the subdivision improvements that serve the public interest, except as provided in Subsection (C).
- (C) If the council may approve a plat, after receiving the recommendation of the director, the council shall determine the subdivision improvements that serve the public interest.
- (D) Fiscal security provided under this section may be used by the City to construct the subdivision improvements that serve the public interest.

Source: Section 13-2-406; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

**THE CODE OF THE CITY OF AUSTIN, TEXAS
TITLE 25. – LAND DEVELOPMENT
CHAPTER 25-6. – TRANSPORTATION
ARTICLE 5. – DRIVEWAY, SIDEWALK, AND RIGHT-OF-WAY CONSTRUCTION**

Division 2. – Construction Permit

§ 25-6-269 - DRIVEWAY MAINTENANCE.

The person owning any property abutting a driveway approach shall be responsible for ensuring installation, repair, and maintenance of the driveway approach consistent with appropriate and applicable standards for construction in the public right of way and shall keep such driveway approach in a good and safe condition free from any defects and hazards of any kind or character.

§ 25-6-270 - SPECIAL USES.

It shall be the duty of any person making special use of any sidewalk, pedestrian way, curb, gutter, or driveway approach for the purpose of ingress/egress, downspout drains, or any other special use of any character, to keep such sidewalk, pedestrian way, curb, gutter, or driveway approach abutting such property in a good and safe condition and free from any defects and hazards of any kind and character.

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TITLE 25. – LAND DEVELOPMENT
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Division 5. - Sidewalks**

§ 25-6-351 - SIDEWALK AND/OR URBAN TRAIL INSTALLATION IN SUBDIVISIONS.

- (A) A person who subdivides property shall install sidewalks, curb ramps, and any applicable urban trails or reconstruct existing, noncompliant sidewalks and curb ramps in a subdivision in accordance with the Transportation Criteria Manual. A preliminary subdivision plan and a final plat must indicate the location of a proposed or existing sidewalk and urban trail.

~~The director may waive the requirement to install a sidewalk based on criteria in the Transportation Criteria Manual.~~

- (B) A sidewalk and/or urban trail that is indicated on a recorded plat or approved site plan shall be installed concurrently with the installation of the corresponding subdivision roads or in conformance with a phasing plan that meets all of the following:
1. provides ADA compliant pedestrian access within the subdivision to the boundaries of the subdivision from any operational: transit stop, park, or place of public accommodation as regulated by the Americans with Disabilities Act (ADA);
 2. provides ADA compliant pedestrian access within the subdivision to the boundaries of the subdivision from any multi-family building within the subdivision subject to Fair Housing Act Accessibility requirements that has received a certificate of occupancy;
 3. provides ADA compliant pedestrian access within the subdivision to the boundaries of the subdivision from any lot or building that has received a certificate of occupancy within two years of the installation of the corresponding subdivision road.
- ~~in conjunction with the installation of a type 1 or type 2 driveway approach.~~
- (C) Except as provided in Section 25-6-354 (Payment Instead Of Sidewalk Installation), the accountable official may not issue a certificate of occupancy or certificate of compliance until a sidewalk and/or urban trail required under this division is installed.
- (D) The construction of a sidewalk, urban trail, or driveway approach is not complete until all utility connections are complete and a cut required by the utility installation is restored.
- (E) ~~Fiscal security is not required for the construction of a sidewalk in a subdivision within the corporate limits of the City if the location of the sidewalk is noted on a recorded final plat or approved site plan.~~

Source: Section 13-5-91; Ord. 990225-70; Ord. 010607-8; Ord. 030306-48A; Ord. 031211-11; Ord. 20080214-096.

§ 25-6-352 – SIDEWALK, BICYCLE FACILITY, AND/OR URBAN TRAIL INSTALLATION WITH SITE PLANS.

- (A) The director or Land Use Commission may not approve a site plan unless sidewalks, bicycle facilities, and/or urban trails are shown on the site plan property and/or right of way adjacent to the property for which approval is being requested, if required by the Transportation Criteria Manual. Existing, noncompliant sidewalks and curb ramps shall be reconstructed to comply with the requirements of the Transportation Criteria Manual. ~~the City of Austin Standards and the City of Austin Standard Specifications, and applicable provisions of the Americans With Disabilities Act.~~
- (B) ~~The director may waive the requirement to install a sidewalk based on criteria in the Transportation Criteria Manual.~~
- (C) Except as provided in Section 25-6-354 (Payment Instead Of Sidewalk Installation), the accountable official may not issue a certificate of occupancy or certificate of compliance until a sidewalk, bicycle facility, and/or urban trail required under this division is installed.

Source: Section 13-5-92; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20080214-096.

§ 25-6-353 - SIDEWALK AND/OR URBAN TRAIL INSTALLATION WITH BUILDING OR RELOCATION PERMIT.

- (A) This section applies to:
- (1) a building permit for construction of:
 - (a) a new building; or
 - (b) an addition to an existing building that increases the building's gross floor area by 50 percent or more; or
 - (2) a relocation permit to move a building from one site to another.
- (B) Except as provided in Section 25-6-354 (Payment Instead Of Sidewalk Installation) and Subsections (C) and (D):

- (1) the building official may not approve a building or relocation permit unless sidewalks, **curb ramps, and/or urban trails** are shown on the plot plan or site plan **property and/or right of way adjacent to the property for which approval is being requested**, as applicable, if required by the Transportation Criteria Manual. **Existing, noncompliant sidewalks and curb ramps shall be reconstructed to comply with the requirements of the Transportation Criteria Manual, the City of Austin Standards and the City of Austin Standard Specifications, and applicable provisions of the Americans With Disabilities Act;** and
 - (2) the building official may not issue a certificate of occupancy until a sidewalk **and/or urban trails** required under this division is installed.
- ~~(C) The director may waive the requirement to install a sidewalk:~~
- ~~(1) based on criteria in the Transportation Criteria Manual; or~~
 - ~~(3) if the director determines that the development does not generate pedestrian traffic for the sidewalk.~~
- ~~(D) Unless otherwise required by Section 25-6-351 (Sidewalk Installation In Subdivisions) or Section 25-6-352 (Sidewalk Installation With Site Plans), a sidewalk for a corner lot is required only along the street with the shortest lot frontage.~~

Source: Ord. 20080214-096.

§ 25-6-354 - PAYMENT INSTEAD OF SIDEWALK **AND/OR URBAN TRAIL** INSTALLATION.

- (A) An applicant may request to pay a fee instead of installing a sidewalk by filing a written request at the time the person submits a permit application in the manner prescribed by the director. An applicant who has not filed a request at the time of application, may later amend the application to request to pay fee instead of installing a sidewalk.
- ~~(B) For a sidewalk required under Section 25-6-353 (Sidewalk Installation with Building or Relocation Permit), the director shall approve payment of a fee instead of installation of a sidewalk if the director determines that:~~
- ~~(1) the property is used only for a residential use and has not more than two dwelling units;~~
 - ~~(2) on the date the property was subdivided, the land development regulations did not include a sidewalk requirement; and~~
 - ~~(3) less than 50 percent of the block face on which the property is located has a sidewalk.~~
- ~~(C) For a sidewalk required under Section 25-6-351 (Sidewalk Installation in Subdivisions), the director shall approve payment of a fee instead of installation of a sidewalk if the subdivision:~~
- ~~(1) consists of five or fewer lots;~~
 - ~~(2) only includes residential lots, each of which contains no more than two dwelling units;~~
 - ~~(3) is a resubdivision of land that was originally subdivided on a date when applicable regulations did not include a sidewalk requirement; and~~
 - ~~(4) less than 50 percent of the block face on which the property is located has a sidewalk.~~
- ~~(D)~~ **(B)** The **Public Works Director** director may approve payment of a fee instead of installation of a sidewalk **and/or urban trail** if the **Public Works Director** director determines that **installation is impractical** buildout of the sidewalks **and/or urban trails** on the block face on which the property is located is not anticipated within a reasonable timeframe because:
- (1) there are no sidewalks in the vicinity, and it is unlikely that there will be development nearby that would require the installation of sidewalks **and/or urban trails**;
 - (2) installation of the sidewalk **and/or urban trails** would require the removal of a protected tree or other major obstruction within the right-of-way;
 - (3) a stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk **and/or urban trails**, and neither the sidewalk **and/or urban trails** nor the facility can be reasonably relocated to accommodate both **the sidewalk and the facility**;
 - ~~(4) the topography would require the construction of a retaining wall more than two feet high to accommodate the sidewalk; or~~
 - ~~(5)~~ **(4)** other unusual **physical constraints** that make it unlikely that the sidewalk **and/or urban trail** can be connected into the sidewalk/urban trail network. **circumstances make the sidewalk installation requirement unreasonable or inappropriate.**

DRAFT REVISIONS AS OF 9/15/2017

- (E) In making a determination under Subsection (D), the **Public Works Director** ~~director~~ shall give primary consideration to the following:
1. **approved transportation plans;**
 2. ~~the adopted neighborhood plan;~~
 3. ~~information provided by the neighborhood planning team;~~
 4. ~~information provided by a registered neighborhood association.;~~ **and**
1. ~~the approved City sidewalk plan.~~
- (F) The amount of the fee is ~~the current sidewalk installation cost, as~~ determined in accordance with the Transportation Criteria Manual.
- (G) A fee paid under this section must be used to install a ~~sidewalk and/or urban trail facility or curb ramp~~ **pedestrian facility** in the same service area, ~~as established by the Transportation Criteria Manual.~~
- (H) The City may refund the fee to the applicant if it is not spent within 10 years of the date of its collection.

Source: Ord. 20080214-096.